

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

ALFRED LEE MAULDIN	§	
VS.	§	CIVIL ACTION NO. 1:13-CV-503
WARDEN RIVERA	§	

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Petitioner, Alfred Lee Mauldin, a federal prisoner currently confined at FCC Beaumont, proceeding *pro se* and *in forma pauperis*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this petition for writ of habeas corpus be dismissed as lacking in merit and petitioner’s claims as to his conditions of confinement be barred pursuant to 28 U.S.C. § 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. Petitioner filed objections to the Magistrate Judge’s Report and Recommendation.<sup>1</sup> This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, however, the Court finds the objections lacking in merit. As stated by the Magistrate Judge, petitioner has failed to demonstrate § 2255 is inadequate to challenge his detention with respect to his claim that he is actually innocent of being a career offender. As to petitioner’s claims relating to his conditions of confinement, petitioner has been

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<sup>1</sup>Petitioner filed a Motion for Extension of Time (docket entry no. 5) and a document entitled “Affiant Ask The Court To Order the Warden To Show Cause To The Facts That I Am Being Held For A Crime That The Congressional Findings Does Not Make Criminal” (docket entry no. 7). The court liberally construes both as objections to the Report and Recommendation of the United States Magistrate Judge.

barred from filing any further civil rights action pursuant to 28 U.S.C. § 1915(g). Petitioner makes no allegation that he is under imminent danger to meet the applicable exception.

ORDER

Accordingly, the objections of petitioner are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So **ORDERED** and **SIGNED** this **22** day of **November, 2013**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge